

# 'MY HAT IS IN THE RING,' SAYS TEDDY

## Cleveland Friend Asks the Colonel for a Direct Answer Regarding Candidacy for President.

# CONFERENCES HELD IN OHIO THROUGHOUT A BUSY DAY

## Belief in Political Doctrines of the Progressives Reiterated in Four Speeches—Crowds Greet Him Wherever He Goes—Monday Full Statement Promised by Roosevelt.

Cleveland, Feb. 21.—"My hat is in the ring." This is what Theodore Roosevelt said here to-night when a Cleveland friend sought to learn whether he was a candidate for the republican nomination for the presidency.

During the brief stay of Colonel Roosevelt in Cleveland W. F. Eirik, well known locally in politics, greeted the former president whom he knows well.

"I want a direct answer, colonel," said Mr. Eirik. "All your friends want to know and want to know now, whether you are to be a candidate."

"My hat is in the ring," replied Colonel Roosevelt. "You will have my answer Monday."

Belief in the political doctrines of the "progressives" was reiterated to-day by Theodore Roosevelt, who made four speeches in Ohio. A mixture of snow and rain fell steadily until nearly midnight but Colonel Roosevelt was welcomed by crowds wherever he went.

On the train between Columbus and Cleveland late to-day, Colonel Roosevelt conferred at length with a number of politicians, leading the Roosevelt movement in this State. Among them were A. L. Garfield of Elyria, Ohio, member of the Roosevelt national committee, Nathaniel C. Wright of Cleveland, chairman of the Roosevelt national publicity committee, and Judge R. M. Wagonmaker of Akron. James B. Garfield, secretary of the interior in the Roosevelt cabinet, and Frank Knox, chairman of the republican State central committee of Michigan, also talked with Colonel Roosevelt and in Columbus he saw Walter Brown, chairman of the Ohio republican State central committee.

The train was late in arriving here and a stop of but 15 minutes was made. Colonel Roosevelt then proceeded on his way to New York.

Colonel Roosevelt delivered his principal address before the State constitutional convention at Columbus. He made a short speech to a crowd in the rotunda of the capitol. At Gallon he spoke from the train and at Cleveland he made a brief speech of greeting from a baggage truck.

Addressing the constitutional convention the colonel several times turned aside from his prepared speech for an enigma or two.

When he came to the subject of control of corporations, he said: "Big business always chafers slightly when I speak of it."

As he boarded the train at Columbus, Governor Harmon who was coming back home from a trip into Kentucky. In the handshake which followed there was no reminder of the antagonism which developed between the men during the 1906 campaign in Ohio, when Colonel Roosevelt made a severe personal attack upon the Governor.

# NEW HAVEN MIGHT USE THE RUTLAND RAILROAD AS CLUB

## President Mellen Tells Public Service Commission That It Would Be Useful in Any Controversy with Grand Trunk.

Albany, N. Y., Feb. 20.—Charles S. Mellen, president of the New York, New Haven & Hartford Railroad company, was a witness the greater part of to-day at the hearing before the public service commission on the application of the New Haven to acquire from the New York Central Railroad company the majority stock of the Rutland Railroad company and the application of the Central to acquire from the New Haven the control of the New York, Ontario & Western Railroad company. A further hearing will be held Thursday.

W. C. Brown, president of the New York Central, was present under a subpoena. A controversy arose when he was sworn. Chairman Stevens said that he had been called to prevent additional facts to aid the commission in passing upon the applications. Vice-President Albert H. Harris, who represented the central, refused to call him as his witness. The commission then accepted him as its witness. Samuel Untermyer, representing the minority stock holders of the Rutland railroad, refused to interrogate him on the ground that it would give him immunity if he testified as the commission's witness. Mr. Untermyer contended that the transactions involving the Boston & Albany railroad is a violation of the federal anti-trust law. Mr. Brown was excused without giving any testimony.

Mr. Untermyer questioned Mr. Mellen in relation to the deal whereby the New York Central and New Haven shared in the profits or deficit of the Boston & Albany railroad. He said that the New Haven people had nothing to say about the conduct of the Boston & Albany. The management which is controlled by the New York Central "could out-rate to-morrow all over the Boston & Albany road and I can only sit in my chair and growl. That is not control, it is no partnership when they can do that."

Referring to a statement made by Mr. Mellen that he had the Ontario & Western as an exhibit in his shop window where people could look at it, Mr. Untermyer asked if it was regarded as a club to use on competitors who interfered with the New Haven interests. Mr. Mellen replied that it was a piece of bric-a-brac which might be galvanized into life.

Answering Mr. Untermyer's question as to whether he would use the Rutland as a club against the Grand Trunk entering New England, Mr. Mellen said: "The

# BRANDT INNOCENT IN EYES OF LAW

## Prison Doors Opened for Him by 'the Great Writ of Liberty.'

## MAY BE RELEASED ON BAIL

## As He Stands Uncondemned with Only Charges Pending, He Cannot Be Pardoned, 'Tis Said.

New York, Feb. 21.—Except for service of five years in prison, E. Brandt is to-night the same man in the eyes of the law as he was before he was sent away on April 4, 1907, to serve 20 years for burglary at the home of Mortimer L. Schiff, the banker, where he once worked as a servant. The long prison term was broken up to-day by Justice Gerard of the supreme court with an opinion sustaining a writ of habeas corpus, known as "the great writ of liberty," which orders prison doors whenever a court has condemned without power.

The young Swede remained locked up in the Tombs to-night, but not as a condemned man, and with assurance that within about six hours he will be released on bail to await a new trial or whatever development occurs to clear up his remarkable case. What other developments than a new trial there might be were to-night a matter of some controversy, but it was widely assumed that the hearing before Commissioner Richard L. Hand, appointed by Governor Dix to hear Brandt's application for clemency, was now of no importance as a factor in Brandt's fight for freedom as a man who, he held, could not be given to a man who, as Brandt now does, stands uncondemned, with only charges pending. Furthermore, only Brandt's friends contended, would be less of a victory than Brandt might win in a new trial as the pardon would not completely wipe out the stain of an offense whereas if the indictments against Brandt are quashed or if he is acquitted on trial, he will be vindicated in the eyes of the law.

Justice Gerard's decision to-day brought to a climax a case which has had the absorbed attention of the New York public for a month, which has brought eminent counsel into court and which is still a matter of grand jury investigation with a view of determining if there was conspiracy in the sending of Brandt to prison for so long a term.

According to records which Justice Gerard read into his opinion to-day, Brandt on March 28, 1907, withdrew an original plea of not guilty to the indictment charging that he feloniously broke into the Schiff house in the night time, armed himself with a club and knife, and stole "two pins and a shoe horn" and pleaded guilty. In sentencing him a week later to 20 years in prison, Judge Otto A. Roskelly illegally condemned the man, according to Justice Gerard's opinion to-day.

The court held that the examination of Brandt at the time he was sentenced tended to refute the plea to a charge of first degree burglary, as the prisoner's statements were in denial that he forced entrance to the Schiff house, which must be shown to establish burglary in the first degree.

"The questions and answers set forth in the examination," declared Justice Gerard, "show that Brandt, whatever other crime he committed, did not 'break' to enter within the meaning of the law and showed that the crime of burglary in the first degree, or in any degree, was not in fact committed."

Holds Judge Not Justified.

"I hold that when a defendant puts in a formal plea of guilty, that then if the judge proceeds to swear the defendant and learns from him that the facts which he admits doing did not in fact constitute the crime that he pleads guilty to, and that the defendant did not in reality intend to plead guilty to that crime, then the judge who sits to protect the interests of the prisoner, as well as the State, is not justified in accepting the plea and imposing sentence but is without jurisdiction to sentence a prisoner for a crime which it is plain the prisoner does not admit and to which he is entitled to a decision of the court relieving him from the stigma of his mistaken plea."

"If Brandt was sentenced because he was involved in a net of verbiage and pleaded guilty to a crime which his examination at the time of his plea showed he did not admit committing, and did not intend to plead guilty to, he should not be left to seek his remedy from executive clemency alone. He is entitled to a decision of the court relieving him from the stigma of his mistaken plea."

"My decision on this writ does not set the prisoner free. The prisoner may or may not be guilty of the crime charged in the indictment and my decision puts him in the same position, except for the service of a sentence of nearly five years, that he was in before sentence was imposed upon him."

"The writ is sustained and the prisoner remanded to the Tombs subject to an application for bail to await trial under the indictment for burglary in the first degree."

## BAIL FOR BRANDT FRIDAY.

Brandt, it was decided to-night, will remain in the Tombs until Friday morning, when, by agreement between his counsel and the district attorney, he will be released on bail, the necessary bond being furnished by a surety company.

District Attorney Chase S. Whitman said to-night that he would promptly hold a conference with Attorney-General Cady as to whether the State should take an appeal from Justice Gerard's decision and Mr. Whitman added that he would take no steps until such a conference.

Asked as to the status of Commissioner Hand's investigation, the district attorney said the Governor can-

not pardon Brandt now. Brandt's position is that of a man who has been indicted and is awaiting trial. The district attorney said that the original plea of not guilty which Brandt made now comes into force again and his plea of guilty is set aside. His status is that he never pleaded guilty.

It was suggested that one course of action open to Mr. Whitman, quite opposite to moving to quash the indictment against Brandt, and it was reported that in his mind he took such action once the prisoner were admitted to bail.

## SCHIFF'S COUNSEL ASK HEARING.

Alton B. Parker and Delancey Nichols, counsel for Mr. Schiff, telegraphed to Governor Dix late to-day asking that they be allowed to appear before the Governor next Friday, to move for a broadening of the inquiry started by Commissioner Hand in order that Mr. Schiff and Howard S. Gans, who acted as counsel for Schiff in connection with the prosecution of Brandt, be allowed to testify at the hearing to-day. The suspension of the hearing yesterday on the ground that volunteer witnesses would be immune was characterized by Messrs. Parker and Nichols as "absurd." On the heels of the telegram to the Governor, a letter was mailed stating reasons for the application for a broader hearing.

"To the end that scandalous rumors should be dispelled, and the truth made known."

The letter declares that through these rumors "the probability of a business man and the reputation of a lawyer has been assailed, and above all the reputation of a woman had been besmirched by insinuations and imputations."

The frustration of all of counsel's efforts to bring out the Schiff story at the public hearing was pointed out and the ruling of the district attorney that such appearance would involve immunity was declared to be a "legal absurdity." In conclusion the letter appeals to the Governor and asks that the attorneys be allowed to submit a brief upon the point of law.

## DIX TAKES NO ACTION.

The report from Albany that Governor Dix declined to take any action in the Brandt case except on the recommendation of Commissioner Richard L. Hand was referred to Commissioner Hand to-night and he replied:

"It is no part of my function in this case to make recommendations. I am going to Albany to-morrow morning to return to Governor Dix certain papers that were placed in my custody. My function is only to take evidence and report to the Governor. I shall not make any recommendations."

The district attorney called attention to-night to a legal point in the status of Brandt's case which still leaves 24 hours or so in which Governor Dix may sign a writ with a pardon which might further cripple the case. Justice Gerard's decision handed down to-day had not been technically filed to-night and owing to the fact that to-morrow was a holiday it could not be filed until Friday morning. It was not assumed, however, that the Governor intended to take advantage of the holiday hold over.

Washington society has put the ban on the "turkey trot."

# BALTIMORE MEN BUY TOY TRUST

## Brattleboro Plant Included in Auction at Worcester, Mass. —\$410,000 Price Paid.

Worcester, Mass., Feb. 21.—The property of the Hardware & Woodware Manufacturing company, a New York corporation better known as "the toy trust," with branches in eight different States including the big plant of the R. A. Smith company in Brattleboro, Vt., and which has been in the hands of a receiver for nearly four years, was sold to-day at the Worcester county courthouse to R. E. Fentress of Baltimore, representing prominent men in that city, for the sum of \$410,000. The Baltimore men also took the names of the persons who were to be mentioned that they were the same crowd that purchased the boat line on the Hudson river between New York and Albany.

The company's receivable accounts, rents and stocks up to February 17 of this year, were sold to Ralph R. Conner of New York for the sum of \$200,000 and according to the receiver's report they amount to about \$115,000. The sale, which was held before Lucius E. Robinson of Hartford, Conn., as master, was attended by many prominent manufacturers and attorneys representing big syndicates, who wanted to get hold of the trust property, which has been valued as high as \$2,500,000.

The first bid on the property was \$100,000 made by Fentress, which was boosted up \$25,000 and \$20,000 at a time until it reached the \$400,000 mark where it remained until the Baltimore men added \$10,000 more and captured the property for those who represented three branches, one in Brattleboro, Londonderry and in Grandville, Mass., were represented also in the sale of the company's property to-day.

## KILLS RUTLAND BRAKEMAN

Cars Passed over F. W. Wheeler at Brattleboro, Crushing Left Leg.

Rutland, Feb. 21.—Fred W. Wheeler of No. 45 Park street, a brakeman employed by the Rutland railroad, was killed at North Bennington this afternoon. Mr. Wheeler was working on train No. 29, and was throwing a switch just outside the station. Wheeler slipped on the rails and as he fell the cars passed over his body. His left leg went under the wheels and was crushed. The upper part of his body was not harmed. Mr. Wheeler is survived by a wife and four children, the youngest being born but two weeks ago.

Arrowsick county, Me., will ship nearly 16,000,000 bushels of potatoes this season.

# WRECK BLOCKS HOOSAC TUNNEL

## Twenty Freight Cars Burning Fiercely—Tons of Rock Loosened by Heat.

## PASSENGER TRAIN IS SAVED

## Four Railroad Men Killed in the Collision—Days before Trains Can Again Operate through It.

North Adams, Mass., Feb. 20.—With 20 freight cars burning fiercely and sections of rock weighing many tons loosened by the heat and raining down upon the tracks, Hoosac tunnel on the Pittsford division of the Boston & Maine railroad was so effectively blocked as the result of a train collision to-night that it will be days in the opinion of railroad men before trains can again operate through it. Four railroad men were killed in the collision when a Boston bound passenger express crashed into a freight.

The list of dead as made public by railroad officials followed: Archer L. Simonds, 59, Williamstown, engineer of electric locomotive on passenger train; Henry Gregg, 42, South Adams, Vt., railroad assistant engineer; Luther Davis, 22, Greenfield, "learner" on electric engine; Reuben Kemp, 31, North Adams, fireman attached to freight train.

Many of the occupants of the coaches were badly shaken up, but there were no serious injuries.

The accident happened about 2:50 p.m. from the east portal of the tunnel, about 4:30 o'clock, but it was sometime later before the news reached North Adams, for all of the railroad wires passing through the tunnel were carried away by the crash.

## TRAIN BARRICADED OUT OF TUNNEL.

Meanwhile the passenger train, which with the regular locomotive had broken away from the electric engine with the first crash, was slowly backing away from the fire and got beyond the central shaft, where the air was clear, without difficulty. Later the train was backed out and at seven o'clock to-night, three hours late, was started for Boston over the Boston & Albany tracks.

The freight train, made up of 32 cars loaded with merchandise, went into the tunnel just before four o'clock and when near the further end of the four-mile shaft was stopped for some reason and engine, Duken Kemp, 31, North Adams, express, then got aboard the engine which proceeded cautiously toward the freight. For some unexplained reason, possibly because the brakes refused to work, the electric engine failed to stop when it neared the rear of the freight train and a moment later there was a terrific crash. "It was followed by an electric display and a burst of flame and then the rear freight cars took fire.

The engineer of the regular engine on the express train saw that the only hope of saving his passengers from death by suffocation was to get away from the spot at once and he immediately started to back away. It was not until nearly seven o'clock that the train finally emerged into the open air, having been held up west of the main air shaft awaiting orders.

## HEAT DRIVES BACK FIREFMEN.

When news of the wreck reached here, Fire Chief H. J. Montgomery and 40 volunteers were placed along a fire and drawn by a steam engine sought to reach the scene, but once they had passed the central air shaft the heat became so intense that they were obliged to turn back long before reaching the wreck. Meanwhile Superintendent J. D. Tyler and a gang of section men tried to get to the fire from the other end, but they were driven back by the clouds of smoke and gas that filled the mouth of the tunnel.

Shortly before midnight, a gang of wreckers went into the tunnel and attempted to reach the burning debris. They had got to within about 300 feet when a car of oil burst into flame, and there were a number of heavy explosions and smoke, denser than ever, spread through the tunnel. The wrecking crew was barely able to escape. No further attempt will be made to get into the tunnel until the fire has burned itself out.

## NEWS FROM THE CAPITAL.

## Representative Plumley Laboring in Behalf of People of Lunenburg.

Washington, Feb. 21.—The president, secretary and members of the executive committee of the National Association of Rural Mail Carriers are holding a business meeting here this week. Vermont is represented by Burns L. Osgood, whose route runs from the Gayville office. Mr. Osgood has driven his pair of mules over his route every week day except holidays for eight years, covering about 27 miles daily, and has a right to believe it a very fair record.

Representative Plumley is laboring with the postoffice department for a favorable decision on the application of the people of Lunenburg for the restoration of the mail service which they formerly enjoyed from South Lancaster N. H., as the distributing point for their office. After the bridge over the Connecticut river at Lunenburg was burned their mail came to them from South Lunenburg, but with the rebuilding of the bridge they desire the old system restored.

The Hon. Frank E. Corrier of Canaan, N. H., is back at his post as representative of the first New Hampshire district in Congress, after a long illness. Mr. Corrier sustained a paralytic shock sometime ago, from the effects of which he has been slowly recovering at his home. He is now much better and able to attend to his

office duties, and if the improvement continues, as he has reason to believe it will, he will be a successful candidate for renomination.

# BANKERS MEET TO-DAY.

## Congressman Prince to Address State Association at Montpelier.

Montpelier, Feb. 21.—The third annual convention of the Vermont State Bankers' association will open in the Kellogg-Hubbard library hall to-morrow afternoon at 3:30. The meeting will be called to order by President F. H. Harrington of Brandon and Andrew J. Sibley of this city will make the address of welcome. H. F. Field of Rutland will respond.

Officers will be elected and Congressman George H. Prince of Illinois, a member of the national monetary commission, will speak on the work of that commission.

The bankers will be given a banquet at the Pavilion in the evening at the invitation of the Montpelier bankers. Joseph A. Heffner will be the toastmaster. George E. Allen will be the principal speaker and his topic will be "Organized Education." A smoke talk will follow the banquet.

# HUSBAND MUST TAKE CARE OF CHILDREN ON SUNDAY

New York, Feb. 21.—"Any woman with seven children has a right to demand that her husband stay home one day a week to take his share of the care of his family," so asserted one of the "Dobbs" to-day in turning the tables on Junius Senators, who had haled his wife to court for hiding his clothes so that he couldn't go out on Sundays.

"I take care of my seven children six days and do my work and he is not willing to stay with them one day and let me out," Mrs. Dobbs declared. The court sided with her and ruled that hereafter the husband and father must stay home Sundays and mind the children while Mrs. Senators goes out for recreation.

# PARCELS POST SYSTEM APPROVED BY DEMOCRATS

Washington, Feb. 21.—Democratic members of the House committee on post-offices and post roads have agreed to incorporate in the appropriation bill provisions for the establishment of a general parcels post system. They also have agreed upon a general domestic rate of 12 cents and a maximum package of 10 pounds. This is the present international parcels post rate. They would also provide for a rural parcels post, the rate to be five cents for one pound and two cents for each additional pound.

The provisions will be incorporated in the bill to be reported to the House some time next week.

It is reported that some republican members of the committee will approve the recommendations and that the bill will pass the House. Members of the committee expect, however, to encounter some objection on the ground that the new legislation is proposed in an appropriation bill.

Secretary MacVeagh has sent to Congress an estimate of the postmaster-general of \$100,000 for operating the postal savings banks during the next fiscal year, in addition to the unexpended \$500,000 appropriated last year.

# HAPPENINGS IN VERMONT, THE NEWS BY COUNTIES

## ADDISON COUNTY MIDDLEBURY.

Wallace S. Walker died Saturday evening at the home of his son, Henry C. Walker of Weybridge street, of old age. He was 84 years of age and the day previous had been up and around. He is survived by his son and daughter, Miss Charlotte Walker. The funeral was held at the house Tuesday afternoon at 1:30 with burial in the cemetery in New Haven. He was a member of the Methodist Church and a life-long resident of this town.

A special meeting of school district No. 4 has been called for Friday evening, February 23, in the basement of the town hall.—Prof. A. E. Lambert preached at the Congregational Church in Brandon Sunday and Prof. Frank W. Cady preached in the Congregational Church in Bristol.—Mrs. Charles L. Button is at the home of her brother, T. W. Ray, in Brandon.—John E. Golden, assessor of marble at the local branch of the Vermont Marble company, has been away several days in Proctor.—Teachers' examinations for Addison county will be held in Middlebury, Bristol and Shoreham on February 25 and March 1 and will be conducted in Middlebury by Arthur W. Elden, in Bristol by C. H. Willey and in Shoreham by E. L. Brady.—Harry Burns, son of Mr. and Mrs. John Burns, has gone to Worcester, Mass., and has entered Holy Cross College.—Wallace S. Walker is ill at the home of his son, Henry Walker, on Weybridge street. Miss Lottie Walker, his daughter, arrived Saturday morning, called home by his illness.

Miss Helen Hammond, who has been in ill health for some time, at her home on North Pleasant street, died Thursday evening at the age of 35 years of a complication of diseases. She was the daughter of the late John and Fanny Hammond, and had made her home in this village in all her life. The funeral was held at the house at two o'clock Saturday afternoon.

A man who gave his name as John Morris was fined \$5 and costs for intoxication Monday morning and in default of payment will serve 15 days in jail. The trial was before Justice A. W. Dickens.—The midweek service at the Congregational Church Thursday night will be a patriotic service in memory of Washington and the subject, "The Spirit of Washington." "Washington in War" will be considered by George H. Cluniff. "In Politics," by Judge Charles L. Button. "In the Home," by Mrs. Thomas E. Boyce, and "In Business," by A. W. Dickens.—The Misses Anna and Flora Lasher of Port Henry, N. Y., who have been visiting their sister, Mrs. William J. Laroock, returned to Port Henry Monday.—A gang of men were employed all day Sunday and part of Monday in cutting out the ice from the rack

# HOUSTON SUFFERS \$7,000,000 LOSS

## One Thousand Made Homeless by Most Destructive Fire in City's History.

## OVER 200 HOUSES BURNED

## Flames Broke Out in Unoccupied Building When Fierce Gale Was Blowing and Spread Rapidly.

Houston, Texas, Feb. 21.—In the wake of the most destructive fire in the history of Houston, smoldering wreckage to-night covers an area about one and a half miles in length and varying in width from 200 yards to half a mile in the northwestern section of the city. More than a dozen of the city's most important industrial enterprises are in ruins; 250 or more dwelling houses and store buildings are in ashes and approximately 1,000 persons are homeless. An accurate statement of the monetary loss is not yet possible, but the most conservative is that it will reach at least \$7,000,000. The insurance carried will not exceed 40 per cent. Except for a few who suffered minor burns and bruises no casualties attended the fire.

Breaking forth without warning in an unoccupied rooming house shortly after one o'clock this morning and at a time when a fierce gale was sweeping from the northwest, the flames spread rapidly. The fire swept southward, generally making clear and desolate its route.

The work of the fire fighters is not yet ended, for all over the charred district are piles of debris, the consuming of which is a slow process.

Buffalo bayou divides the city running east and west and it was not until the conflagration had reached its banks that the slightest headway could be made toward checking it. Except for an occasional dip across the stream the line of destruction ended here.

Quick action was taken for the relief of those rendered homeless to-night, finding the victims with their immediate needs cared for. Outside aid will not be necessary.

## ARMY AND NAVY RECEPTION.

Washington, Feb. 21.—The army and navy reception, the last of the four White House functions which punctuate a Washington social season, was given last night by the President and Mrs. Taft. The number of invitations exceeded those for any other army and navy reception during Mr. Taft's administration. More than 1,500 persons attended.

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